IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2644 OF 2004

Baban Shivram Kadam ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Ram Makhija for Applicant as amicus curiae.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 7, 2005.

P.C.

1. The grievance of the Applicant seems to be that Shri.Sudhakar Pujari, the Investigating Officer of A.C.B. in C.R.No.33 of 2002 caused to prepare maliciously, corruptly, dishonestly, false and defamatory evidence, documents with intention to mislead the Court while opposing Bail Application of the Applicant. The allegation presupposes that the evidence collected during investigation was pressed into service to oppose the Bail Application of the opponent. Whether the

said evidence was prepared maliciously, corruptly, dishonestly, falsely or otherwise, can be tested only at the trial. It is not possible to presently accept the grievance of the Applicant, as made in this Application for the reason already indicated above. Hence, this Application is disposed of, leaving all questions open to be decided at the appropriate stage, as and when occasion arises.

2. Court expresses word of appreciation for Mr.Ram Makhija for having taken pains to personally visit the jail, so as to interview the Applicant to ascertain the nature of his grievance.

3. Copy of this order be forwarded to the Applicant as this Application is filed through jail.

4. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.